What Happens to Indigenous Law in the Museum?

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ABSTRACT: In this article, I argue that recontextualizing Indigenous cultural heritage through institutional acquisition and cataloging can also be understood as a jurisdictional strategy that upholds the supremacy of US and Canadian legal regimes over Indigenous laws. To do this, I share what I have learned from participating in a Nation-led, community-based research project with the Nuxalk First Nation Ancestral Governance Office, in what is currently British Columbia, Canada. Our work together focused on reinvigorating the Nation’s laws, teachings, and protocols through the evolution of their own database of Nuxalk objects, still held in museum collections worldwide. I discuss this project and how it illustrates the legal context inherent to understanding much Nuxalk material culture. Next, bringing together literature on organizing knowledge in museums, settler colonial theories of dispossession, and archival copyright law, I look at how accessioning Indigenous objects into settler collections in the US and Canada is enacting another legal process, “written on top of” the legal meanings objects hold for the Nuxalk Nation, and reframing them as objects the museum has legitimate control and possession over. I close by reflecting on the strategies Nuxalk people, and other Indigenous artists and scholars, are undertaking to challenge the normative power of museum authority through interventions that are grounded in Indigenous governance and sovereignty.

KEYWORDS: collections databases, material culture, jurisdiction, Indigenous law, settler colonialism, sovereignty

Indigenous Nations worldwide are actively engaging in the recovery and assertion of their laws in order to respond to myriad political, environmental, and social concerns that impact their territories and communities. Despite ongoing threats to Indigenous governance systems through violence, assimilation, co-option, and dispossession, Indigenous law has not been extinguished. In this article, I argue that anthropology museums are also complicit in the ongoing attempts to erase Indigenous sovereignty. Anthropology museums owe much of their collections to the violence of empire and colonialism, benefiting from the theft of Indigenous land and the displacement and relocation of Indigenous, Black, and brown bodies and material culture—they “pillage, pillaged, and sure to be pillag[ed] again” (Boon 1991: 258). Of course, the nuanced histories of collecting also include many examples of Indigenous peoples strategically choosing to house their heritage in museums to their own benefit: as avenues for expressing rights and sovereignty, to safeguard valuable possessions for future generations, to provide for themselves...
and their families, and so on (Bell 2017; Kramer 2004; Roy 2016). Yet, regardless of origin, when Indigenous heritage is accessioned and cataloged, its dispossession is formally legalized and the museum’s own jurisdictional authority is “written on top of” already existing Indigenous laws that are embodied and expressed in material culture. In other words, the anthropology museum can be understood as facilitating and displaying a transformation of legal orders, and recontextualizing Indigenous cultural heritage as a jurisdictional strategy that continues to enforce the logics of empire. Seen in this way, Indigenous accusations of the theft of cultural and intellectual property are not an exaggeration or misrepresentation of colonial relations but instead an articulation of legal ownership outside the bounds of settler conceptions of rightful possession.

As a white, settler scholar who studies and has worked in heritage institutions in the United States and Canada for more than a decade, Indigenous law in museums has been invisible to me for much of my career. One of my goals in this article is to articulate how settler law has been deployed to separate Indigenous heritage from Indigenous laws. To do this, I first share what I have learned from partnering on a Nation-led, community-based project with members of the Nuxalk First Nation’s Ancestral Governance office, who have taught me how to recognize the legal context inherent in understanding Nuxalk treasures. Next, I examine what happens when Nuxalk treasures are accessioned in museums. I argue that the process of collection and cataloging can be understood as a legal process in how it prioritizes knowledge that illustrates the museums’ legitimate control and possession over objects under settler legal regimes. This process, like settler colonialism itself, is imperfect, fragile, and incomplete, and fails to succeed in the erasure of Indigenous sovereignty (Veracini 2010). Indigenous peoples have long taken advantage of this failure in museum spaces, and this article closes by reflecting on the strategies...
of assertion and refusal that Nuxalkmc (Nuxalk people) and other Indigenous artists and scholars use to challenge the normative power of museum authority through interventions that are grounded in Indigenous governance and sovereignty.

**Nuxalk Treasures and Indigenous Law**

The Nuxalk Ancestral Governance Office (NAGO), located on Nuxalk unceded traditional territory in what is also known as Bella Coola, British Columbia, Canada (Figure 1), supports Nuxalk self-governance and decision-making under the guidance of Nuxalk Stataltmc (hereditary leadership). Founded in 2015, the NAGO works to research, reinvigorate, and put into practice the Nation’s ancestral laws. It does this through (1) researching Nuxalk legal principles and processes through historic and contemporary interviews with Elders; (2) documenting and analyzing the foundation and legal principles of Nuxalk laws and their Western parallels; and (3) supporting Statlatmc to make decisions about the governance of Nuxalk people, lands, and waters (Nuxalk Nation 2018).

A core component of the NAGO has involved accumulating knowledge about Nuxalk treasures in museum collections across the North American continent. Since 2013, many Nuxalkmc have traveled to museums as part of a project connecting members of several Central Coast First Nations to their cultural heritage held in collections. Participants have brought back not objects but knowledge in the form of copies of information from institutional collections databases, audiovisual recordings of the visits, and thousands of pictures of objects. Through interviewing community members and conducting archival and museum research, staff at the NAGO are slowly incorporating this knowledge back into community practice, providing important guidelines and resources to hereditary leadership to reaffirm Nuxalk legal practices (Leischner 2018; Siwallace et al. 2022).

What exactly do Nuxalk treasures held in museums have to do with Indigenous law? Nuxalk treasures display and validate Smayusta—ancestral stories passed down through family lineages and the origin of Nuxalk legal authority. Asits’aminak (Andrea Hilland) describes the role of Smayusta in Nuxalk governance:

> “Our authority lies in the treasures within each family’s box: our songs, dances, names, and Smayusta . . . [Smayusta] convey lessons on appropriate use of Nuxalk territories and resources, and articulate consequences for breaching responsibilities. For the Nuxalkmc, rights are integrally tied to responsibilities and stem from privileges and obligations handed down through Smayusta. The Nuxalkmc consider past, present and future generations in land and resource use decisions. Smayusta provide Nuxalk citizens with a strong sense of responsibility to protect Nuxalk territory from degradation and to ensure that future generations of Nuxalkmc will enjoy the gifts that the creator [Alhkw’ntam] has provided. (Sputc Project Team 2017: 46–47)”

Smayusta are validated when treasures and the legal rights they carry are performed and witnessed in potlatch and ceremony; crests representing a family’s Smayusta can be recognized on totem poles, masks, button blankets, and many other objects (Hilland 2013; Mack 2006; McIlwraith 1948). Potlatches are not exclusive to the Nuxalk and are still practiced in many First Nations along the Northwest Coast of North America; they are complex social, religious, economic, and political events where food is shared, gifts are distributed, laws are upheld, stories are told, dances are shown, relatives are remembered, and relationships are made and witnessed (Kramer 2013; Mauss 1967). Cofounder of the NAGO Snxakila (Clyde Tallio) explains how
Nuxalk law is upheld in the potlatch in this way: “Those regalias and masks are loaded with history. The families that brought them out would have had to have potlatches to validate the showings of those sacred treasures. In doing that, they’re also validating their rights to their land and territory” (quoted in Leischner 2018: 22). Nuxalk objects in museums are inseparable from this contemporary legal context and are essential to articulating Nuxalk sovereignty.

I began collaborating with the NAGO in 2016 by helping develop an internal database of Nuxalk treasures (Leischner 2018; Siwallace et al. 2022). Broadly, the goals of this database are to reclaim Nuxalk knowledge that has been captured and isolated in museums and archives, and to reconnect objects back to the Nation and recontextualize them, prioritizing Nuxalk knowledge and expertise. Cofounder of the NAGO Nunanta (Iris Siwallace) expands on this reconnection: “In our database, we are able to add the territory and lineage to the item and more Nuxalk content that we can use, with our Stataltmc to explain how the item is connected to them” (Siwallace et al. 2022: 243).

In recent years, Indigenous communities have increasingly mobilized digital platforms to manage and control their cultural heritage, frequently partnering with heritage institutions to creatively explore how they can facilitate interactions and access across vast geographic distances (Boast and Enote 2013; Bohaker et al. 2015; Lyons et al. 2016; Rowley 2013; Srinivasan et al. 2009). Unlike physical objects—which, when presented and displayed within museums, are fundamentally framed by the authority of the institution, often retaining persistent colonial legacies of display and documentation (Greene 2016; Phillips 2011; Turner 2016)—digital databases present opportunities for unsettling the control institutions have over these intangible narratives (Christen 2011; Duarte and Belarde-Lewis 2015).

The NAGO database likewise works to challenge dominant interpretations of Nuxalk heritage present in museums. Yet, unlike other collaborative, digital museum cataloging projects, this database is controlled and managed by the NAGO—by Nuxalk, for Nuxalk—and is integrated into the processes the Nation uses for resource management and territory defense. The database contains “case briefs” of Smayusta. Inspired by the work of John Borrows (2002), “case briefing” is a method developed by legal scholars Val Napoleon and Hadley Friedland (2016) that analyzes and retells Indigenous stories, narratives, and oral histories in forms recognizable in a Western legal system.⁶ Reflecting the interconnectedness of Nuxalk law, the database can connect the record for a Nuxalk treasure to the case briefing of the Smayusta it represents, to the territory and resources that Smayusta gives authority over, and to any current resource and development requests happening in the Nation. As the work of the NAGO illustrates, Nuxalk treasures continue to embody and speak Nuxalk law whether they reside in Nuxalk territory or in museums across the continent.

Writing over Indigenous Law: Collecting, Cataloging, and Establishing Museum Jurisdiction

Working on the NAGO database allowed staff in the ancestral governance office and me a firsthand look at what happens when objects embodying and carrying Nuxalk law are acquired by museums. To show how the processes of collecting and cataloging write settler legal frameworks on top of already existing Indigenous ones, I’ve chosen to use an example of one of the treasures recataloged in the NAGO database: an Alhkw’ntam mask held in the American Museum of Natural History (AMNH)’s collection (Figure 2). Alhkw’ntam, often referred to as the Creator, is one of the first ancestors from whom all Nuxalk rights originate (McIlwraith 1948; Nuxalk Smayusta 2022; Seip 1999). I do not have the rights or the permission to share
specific Nuxalk Smayusta relating to Alhkw'ntam, but I can share already public information that the Nation has already provided about masks representing the Creator. Recognizing how Indigenous law is carried by material culture like the Alhkw'ntam mask has prompted me to reconsider the creation of anthropology museums and their role in attempting to ignore and write over Indigenous law through their collecting, accessioning, and display practices. The dispossession of both Indigenous land and cultural heritage follows similar logics. In the case of its collecting history, the AMNH's Northwest Coast collection was facilitated by US and Canadian law, and specifically the spatial-legal structures of settler colonial power that continue to exist and dispossess today.

Settler colonial societies, like the US and Canada, are places where foreign settlers have invaded with the intent to stay, and materially dispossess the land of the Indigenous peoples of that place to create space for themselves. Settler colonialism is ongoing, in that it relies on the continued justification of dispossession and the management, or elimination, of the Indigenous population that occurs through violence both physical and ideological (Veracini 2010; Wildcat et al. 2014; Wolfe 2006). Law and space work together to enforce settler colonial power and the ongoing dispossession of Indigenous land. Scholars have sought to understand how the creation of colonial property regimes, in British Columbia and elsewhere, is formed through racialized and gendered ideologies of possession and relies on legalized violence (Bhandar 2018; Blomley 2003; Harris 1993; Moreton-Robinson 2019). Technologies that were used to transform space on the Northwest Coast of Canada and the United States—such as mapping, grids, surveys, and infrastructure—were not innocent, but in fact, repositioned people and places to allow for colonization (Harris 2004). These legalized constructions of space were necessary to facilitate both the physical ability of museum collectors to move across the Northwest Coast landscape, as well as the narrative justification for their right to do so (Braun 2002; Cole 1985). Cole Harris explicitly outlines how “this cartography introduced a geographical imaginary that ignored indigenous ways of knowing and recording space” (2004: 175), explaining in part how Indigenous jurisdiction over land (and objects) was erased through renaming Indigenous places and creating maps which effectively eliminated their legal rights. This practice of intentionally or unintentionally ignoring Indigenous law is a feature, not a bug, of settler colonialism, as legal scholar John Borrows (2002: 30) explains:

The process of Indigenous exclusion within North American democracies has been greatly assisted by the operation of law. Despite its potential to do otherwise, the law has both inadvertently ignored and purposely undermined Indigenous institutions and ideas, and thus weakened ancient connections to the environment.

In the case of Nuxalk territory, this mapping intentionally ignored the existence of Nuxalkmc living on the land in long-established villages. Historian Tom Swanky (2016) explains how surveys preceding settlement were done following the intentional exposure of smallpox by British settlers, a catastrophe that decimated 90 percent of the population and forced the relocation of survivors to a single village, Q'umk'uts (modern-day Bella Coola). Cartographers parcelled out Nuxalk land to prospective setters, conveniently basing the allotment of reserve land on the significantly reduced numbers of Nuxalkmc. The Nuxalk Nation has never signed a treaty with colonial governments, and their rights over their land and resources have never been relinquished to a foreign power. It is important to note that despite the significance of these spatial-legal structures in supporting ongoing settler colonial dispossession and violence, Indigenous knowledge, sovereignty, and understandings of space continued to exist not by accident but through ongoing resistance. And as legal scholar Heidi Kiiwetinepinesiik Stark points out, some recognition of Indigenous sovereignty benefits the construction and persistence of settler states: “The United
States and Canada require Indigenous sovereignty as their own legitimacy as nation-states is constituted through the treaties that are intended to at least provide the perception of legality” (2016: 9). This dual necessity—both erasing and recognizing Indigenous law, only as it upholds the legitimacy of the settler colonial state (Coulthard 2014)—is also present in the representation of Indigenous heritage in anthropology museums (Kramer 2013; Wrightson 2017).

The narrative justification of dispossession relied on the assumption of the absence of Indigenous law and was used by collectors on the Northwest Coast as further legitimation for taking Indigenous material culture back to museums. The failure of settlers to recognize Indigenous law as law can also be seen in the example of the collecting practices of Franz Boas, who was hired by the AMNH as part of the Jessup Collecting Expedition to the Northwest Coast between 1897 and 1900, where he and George Hunt, his Indigenous research partner, collected nearly ten thousand “ethnographic artifacts” and Indigenous bodies (Cole 1985). In Nuxalk territory, these activities included stealing ancestral remains and grave goods as well as purchasing pieces from individuals. Included in this collection was the Alhkw’ntam mask (Boas 1898; Seip 1999). Assuming the inevitability of Indigenous assimilation, salvage anthropology, of which Boas was a part, sought to snatch up remnants of disappearing cultures, not sovereign nations. Writing about Boas, anthropologist Audra Simpson explains how, in his writings, he was unable to “see or read Indigenous sovereignty and politics in any form other than the reduced, the primitive, or the ethnographically classic, a reading that disappears Indigenous political form, is blind to it, easily hitches it to other things, or dismisses it altogether” (2018: 178). Likewise, Boas neglected or failed to understand the full implications of Indigenous law even as he recorded the meanings of the objects he collected. In The Mythology of the Bella Coola Indians,7 Boas shares Smayusta related to Alhkw’ntam. Interestingly, he does understand the display of Smayusta in potlatch as a form of governance: “These traditions are the exclusive property of each clan. The laws according to which they descend from generation to generation differ from the laws prevailing among other Coast tribes” (1898: 116). Despite recognizing that the rights to publicly tell Smayusta are validated and can be transferred when they are danced and witnessed in potlatch ceremonies, and despite opposing Canadian laws banning the potlatch in 1885, he does not recognize the outlaw of the potlatch as an attack on ancestral governance. For example, in a letter to The Province newspaper in Victoria, British Columbia, describing his opposition to the potlatch ban, Boas describes the potlatch as a “harmless amusement” that “will die out quickly” (1897: xii). Furthermore, what Smayusta give Nuxalkmc the authority to govern—their land and territory—is conspicuously absent from Boas’s public account.

It is possible, of course, that Boas’s understanding and knowledge of Nuxalk ancestral governance was more accurate than this publication illustrates. For example, anthropologist Aaron Glass has engaged in a multiyear-long collaboration with members of the Kwakw̱ak̓a̱’wakw First Nation to reunite invaluable information Boas and Hunt recorded in their annotations and fieldnotes in a comprehensive digital database, creating a foundation for future cultural revitalization. As Glass illustrates, contemporary Kwakw̱ak̓a̱’wakw can recognize their own knowledge and understandings through these piecemeal and fragmented archives: “Even if Boas did not explicate these perspectives in detail, even if he was simply using images of objects to illustrate ceremonial privileges and social structures, he was actually communicating something essential about Kwakw̱ak̓a̱’wakw ontologies” (2014: 29). The point here is not to vilify Boas as a uniquely flawed outlier in his encounters with Indigenous law or to mistakenly claim that his records of Indigenous knowledge are incomplete and therefore irrelevant to contemporary communities. Instead, I want to highlight how his writings and actions represent a larger pattern of excluding or diminishing Indigenous law taking place across settler colonial states. This shows how anthropological collecting practices were made possible only through the spatial-legal workings of
settler colonialism, as well as the ways in which these practices failed to recognize Indigenous sovereignty or the legal meanings embodied in the objects they collected.

The stakes here are not small. As an example, in 2009 the Nuxalk First Nation carved and raised a totem pole at the former location of Talyu to mark their sovereignty and protect the land from government and corporate exploitation. The pole tells the story of the Smayusta, from which Nuxalk sovereignty over this specific place originates: “Snuxyaltwa Smayusta with the Loon on top and the Whale, Grizzly, Thunderbird, Yulm and Sun” (Nuxalk Smayusta 2022). What might have happened if anthropologists like Boas had publicly recognized Nuxalk totem poles as markers of legal authority over territory? By removing them, collectors were robbing First Nations on the Northwest Coast of not only their heritage but also representations of their sovereign authority, making museums both material beneficiaries and accomplices in the theft of Indigenous land.

Next, I want to look at the AMNH’s process of accessioning and recontextualizing Indigenous objects into the collections database as an example of how museums establish legal jurisdiction over collections. This process literally writes on top of the legal meanings Indigenous objects still hold, reframing them as objects the museum has legal control and possession over, and redisplaying them as representations of the museum’s jurisdictional authority and the underlying logics of settler colonialism. Just as geographic tools such as maps and surveys wrote new legal understandings of property and space on top of already existing Indigenous land and legal orders, accessioning and collections catalogs in museums can be understood as performing a similar function.

Jurisdiction as a conceptual framework is helpful for understanding the transformation that occurs in creating museum objects from Nuxalk treasures. Legal scholar Shiri Pasternak understands jurisdiction as “both a spatial and a legal concept: it is a claim to governance that refers to the legal relationship between a politically organized community and the space it inhabits”
Put more simply, it is the “power to speak the law” (148) and allows for an analysis of the conditions needed in order for legal authority to be invoked and exercised. Jurisdiction offers a helpful framework for understanding the overlapping sovereignty claims that exist in settler states, where legal regimes are established in the same places where Indigenous ones already exist (Koschade and Peters 2006; Pasternak 2014). Akin to how museum objects have been described as “bundles of relations” and acquire new meanings as they traverse different contexts when collected (Bell 2017; Strathern 1999), land can also be subject to multiple jurisdictional authorities, which likewise can accumulate over time. What I examine in this article is the presence of overlapping claims of authority over Indigenous heritage, and how exactly settler jurisdiction is established through museum accessioning. To do this, I find legal scholar Mariana Valverde's description of jurisdiction a helpful place to start thinking about how museums establish their own authority over their collections. For Valverde, “jurisdiction sorts the where, the who, the what, and the how of governance” (2009: 144), which is useful for thinking about how museum catalogs communicate jurisdictional authority in establishing what possessions they have authority over, whom this authority comes from, what it applies to, and how that authority is communicated.

Archives and databases organizing knowledge likewise “speak the law” through documents that establish institutional authority over their collections. I argue that law is just as foundational to the museum as it is to the archive (Anderson and Francis 2021; Derrida 1996; Povinelli 2002; Stoler 2010). Laws governing property ownership in the US and Canada dictate what type of information is necessary to retain in order to maintain proof of possession over time—what is referred to as “title.” Best practices advise that museums keep detailed documentation of the transfer of title from the previous owner. The quality of title—the security of a museum’s possession—is dependent on this vital information: (1) receipts, wills, and correspondence provide evidence of the agreement to sell, donate, or bequest an object between parties; (2) authentication verifies that the object is legitimate and not a forgery; and (3) signed and dated affidavits, often called “deeds,” protect institutions if there is a lack of knowledge over previous ownership claims and can show when the statute of limitation on contesting ownership has passed. This wealth of material constitutes an “archive of the archive,” as anthropologist Aaron Fox has described: “the legal documents, and associated communications, that constitute the archive’s sovereignty” (2017: 194). Remnants of museum and archival sovereignty are visible in finding aids, catalog cards, collections databases, and even display labels.

Museum and information studies scholars have written about how the knowledge museum staff choose to catalog and re-present to the public is not neutral but in fact are political acts that perform their own authority over collections (Duarte and Belarde-Lewis 2015; Geismar and Mohns 2011; Phillips 2011). As information studies scholar Hannah Turner evocatively explains: “Creating any knowledge organization scheme is a formative and world-building exercise, and in the world building of systems, other worlds are put aside” (2017: 473). Examining the relational and material legacies of collecting catalogs, scholars have illustrated how practices of naming and classification “stick” to records over time, preserving the ideologies and assumptions of those who collected, interpreted, and organized Indigenous heritage (Greene 2016; Krmpotich and Somerville 2016; Turner 2016). Focusing on the legal worlds created and “put aside” through knowledge organization reveals how the law is fundamental to this process. For example, the naming strategies used in an art museum will differ fundamentally from those in a science museum.

However, laws of ownership are consistent across different types of institutions, meaning that despite differences in classification preferences, the legal documents and data required to prove possession over heritage remains the same within the nation-state borders. In another
example, anthropologist Jane Anderson analyzes how authorship as a legal category in archives is both made possible and instrumentalized through copyright law: “The relationship between the rise of modern authorship and colonization is not just a coincidence. The ‘author’ was also a figure of dispossession, working to legally and socially reduce and exclude other cultural forms of articulation, expression, and association with cultural knowledge products” (2012: 236–237).

By analyzing how law is essential to the behind-the-scenes process of creating museum databases, this article aims to make a similar contribution through what information studies scholars Geoffrey Bowker and Susan Starr (1999) have called an “infrastructural inversion,” by challenging the normalization of settler law in heritage institutions and creating possibilities for the recognition of the Indigenous legal regimes that continue to hold authority over heritage.

In the case of anthropology museums, their jurisdictional authority is written onto the very objects within their collection. Figure 2 is an image taken from the AMNH’s online collection’s catalog, which serves as a helpful illustration of how museum jurisdiction is established in the documentation of objects. An “accession” is a legal term in institutions that refers to a group of objects that are acquired by the museum from a single source. When objects enter the collection, they are given a catalog number—in this case, the Nuxalk Alhkw’ntam mask is numbered 16 / 1399, which refers to the number (in this case the sixteenth), accession group received by the museum / the number of objects within that accession. AMNH establishes which authorities give them the rights to this object. In this case, the museum acquired legal possession over this treasure from George Hunt and Franz Boas, and museum staff would keep a record of the receipts or letters documenting the transfer of ownership from Boas and Hunt to the museum. This paperwork establishes the museum as the authority to govern the use, movement, and treatment of objects within its collection in perpetuity, according to US law. In the case of the Alhkw’ntam mask, choices about what language these entries are written in (English versus Nuxalk), what categories objects are given (costume versus rights/law/ceremony), whose authorities are reproduced (Boas and Hunt versus Nuxalk Stataltmc who own the rights to this mask), and what type of information is prioritized (material and collection year versus family ownership, ancestral territory, Smayusta) are all choices that affirm the AMNH’s jurisdictional authority over the Nuxalk First Nation’s. This entry also follows a history of museum collectors, such as Boas, who are unable or unwilling to recognize Indigenous law. Although the information represented in museum databases is certainly shaped by the ideologies of collectors, museum staff, and institutional scope, the necessity to prove legal possession under settler legal regimes is an underemphasized yet vital purpose of museum documentation. Establishing institutional jurisdiction over Nuxalk treasures results in “inadvertently ignoring” or “purposefully undermining” Indigenous law and illustrates how museums continue to reproduce settler colonial power and authority.

The work of the NAGO, as described previously, is to reassert Nuxalk law that has been written over in museum catalogs. When entering Nuxalk treasures into the NAGO database, we found that Nuxalk law was not by any means lost or erased. Yet, the pattern that emerged again and again was one in which we confronted foreign terms that were used to describe Nuxalk treasures, bristled against the type of information that was always represented, and worked to reorganize and deprioritize the ways in which Nuxalk treasures were understood as the legal possessions of settler institutions. We did this by using Nuxalk language and ontologies to describe and categorize treasures like the Alhkw’ntam mask, adding the Smayusta and relevant family and territorial lineages to the records, and following Nuxalk protocol when it comes to deciding who can have access to this knowledge (Leischner 2018).
Strategies to Speak the Law in Museums

The work of reasserting Nuxalk law does not end with this database. Importantly, the museum’s jurisdiction is represented not only in object records but also within label text and installations. The AMNH, like many anthropology museums, designs its halls and exhibitions in reference to the world; its “human origins” and “cultural” halls are split up into different geographic and cultural designations, within which are individual display cases generally organized by location. As museum scholar Gerald Conaty explains, exhibiting materials from across the globe is nothing less than an assertion of power, and a celebration of the spoils of colonialism as displaying “these exotic objects from the far corners of the world became an important source of pride and prestige for the wealthy patrons of the voyages of discovery” (2015: 39). Through the influence of Franz Boas, the original Northwest Coast Hall was divided by “cultural groups” and locations, where groups of objects are represented ostensibly within their historical contexts. Figure 3 shows an image of the former section of the Northwest Coast Hall displaying Nuxalk treasures, including masks and totem poles that carry legal rights through their Smayusta. Not only were any legal meanings removed, but also the exhibition showed no evidence of the living, contemporary Nuxalk Nation. This choice also had political implications as the display of cultures frozen in time suggests that “if Aboriginal people had disappeared, there was no need to develop social, economic, or political programs that would address their ongoing concerns” (42). By representing Nuxalk treasures within this context for over one hundred years, the AMNH erased any legal opposition to the ownership or meaning of these objects, leaving only its own authority in place.

Figure 3. Nuxalk cases at the American Museum of Natural History, 2017. Personal photo courtesy of Jennifer Kramer.
First Nations like the Nuxalk are reasserting their laws and sovereignty within museum exhibition displays, using the museum as a tool for their own goals. Members of the Nuxalk Nation have been working with staff at the AMNH to reinstall the Northwest Coast Hall to collaboratively reimagine how Nuxalk heritage, history, and contemporary life will be displayed. In planning for the reinstallation, cocurator Snxakila explains the value of the Nation’s participation: “They [the AMNH] have two million visitors a year. So now those visitors, when they enter the Nuxalk alcove, they will hear and see who we are today. They’ll see our treasures, our history, they’ll be able to learn about our struggles and our resilience and our accomplishments.” Of course, Indigenous-owned museums and cultural centers also serve as powerful spaces where Nations can articulate their own self-determination and sovereignty (Lonetree 2012). Within non-Native institutions, strategies of assertion and refusal have been used by members of the Nuxalk Nation when collaborating on public exhibitions of their heritage and history outside of their territory.

One example of this can be found at the Museum of Anthropology at the University of British Columbia in the Nuxalk section of the Multiversity Galleries. In the welcome label, Stataltmc Sixilaaxayc states:

Yaw. We are the Nuxalk Nation. We are Indigenous people on the Northwest Coast of what is now British Columbia. Our creator, Alhkw’ntam, put us here in the beginning of time . . .

Today we are strong as Nuxalkmc and will continue to use everything our Creator has given us—our songs and dances, Smayustas (origin stories), and traditions.

The label asserts Nuxalk rights to their land and explains how Nuxalk law justifies these rights. In writing about the creation of these gallery spaces, museum curator Jennifer Kramer explains this label as “clearly a declaration of sovereignty and ownership of culture, land, and resources. It describes the Nuxalk chain of authority that stems from the Creator Alhkw’ntam and flows down through the chiefs to all Nuxalk people” (2015: 502). Given how Nuxalkmc and NAGO staff have described Nuxalk law as being validated and embodied within treasures representing Smayusta, the Alhkw’ntam mask also makes this sovereignty claim, whether museum staff or visitors frame it as such or not. Yet importantly there is ambivalence by all parties involved that this type of intervention is successful. For example, upon seeing his own photograph within one of the display cases, Snxakila, joked: “I’m a museum piece now,” . . . manifests[ing] an ambivalence as to whether agency is retained by the Nuxalk or absorbed into the museum’s representational structures by turning Nuxalk collaborators into objects of museological investigation” (505).

I think in part this discomfort exists because at the Museum of Anthropology, like the AMNH, colonial ways of seeing still exist. The legal authority of the museum is still written onto its collections, perhaps alongside Indigenous law, but written all the same. The jurisdiction of the museum continues to be established and displayed in galleries which communicate “pride and prestige for the wealthy patrons of the voyages of discovery” (Conaty 2015: 39). In some ways, displaying Indigenous law under the umbrella of the museum’s jurisdictional authority perpetuates the myth that Indigenous sovereignty comes from the museum, rather than being independent of it (Borrows 1999; Wrightson 2017). Although he is writing in relation to the Delgamuukw v. British Columbia legal case, Borrows’s words are very applicable to museums: “When Aboriginal narratives are given to another culture to authoritatively judge their factual authenticity and meaning, Aboriginal peoples lose some of their power of self-definition and self-determination” (1999: 554). This is not to discount or diminish the efforts that Indigenous artists, scholars, and community leaders put into these collaborations, or to assume that visitors cannot recognize articulations of Indigenous law and sovereignty when it is represented in this
way. Indeed, more research is needed to fully understand what messages visitors take away from these meaningful, but costly and time-intensive collaborations. Using museums as a tool to articulate Indigenous legal authority is an imperfect, but meaningful strategy that nevertheless makes Indigenous law more visible to the public.

Refusal is also a viable and powerful strategy many Indigenous peoples are using to assert their sovereignty when choosing to engage with museums and their collections (A. Simpson 2007; L. Simpson 2017). Audra Simpson describes refusal as a political alternative to recognition: “Refusal comes with the requirement of having one's political sovereignty acknowledged and upheld, and raises the question of legitimacy for those who are usually in the position of recognizing” (2014: 11). For example, at the Museum of Anthropology, Dzawăx̱énukw First Nation member Mikael Willie has chosen to display a mask wrapped in fabric, creating a visual representation of a ceremonial object that visitors do not have permission to see. He explains this choice on the label text: Kwakwa’kwa’wakw

In our Kwak’wala language there is a word—k’wik’waladłakw—which means “things that are hidden.” Traditionally, our wolf headdresses, whistles, and other objects with nawalakw, or supernatural power, were put away when not being shown in ceremony . . . I thought that one thing we might be able to do is to wrap some of the masks on display. This is so that the public can understand that not everyone is meant to see these things.

Similarly, when preparing for the reinstallation of the AMNH’s Northwest Coast galleries, which opened in May 2022, Snxakila and Nuxalkmc are strategically choosing what knowledge to share and what to refuse to share in ways that uphold Nuxalk protocols and laws. In some cases, this looks like using label text to describe the physical construction or appearance of a treasure, rather than including its Smayusta or ceremonial knowledge; as Snxakila explains: “This spiritual knowledge is for us.” The Nation is also considering what knowledge their elders allowed Boas to record, and in some cases allow these recorded stories to be retold in labels at the AMNH. These choices of how to use the museum as a method of asserting Nuxalk sovereignty are grounded in Indigenous governance and uses the museum as a space to challenge colonial norms.

Conclusion

As I have argued, anthropology museums are complicit in a pattern of attempted erasure of Indigenous legal authority through their collecting, accessioning, and display practices. The refusal to acknowledge the existence of Indigenous law and jurisdiction over land and material culture is part of the logics justifying ongoing settler colonial dispossession and violence. Despite this, First Nations like the Nuxalk assert their own sovereignty and enact their ancestral laws through Nation-centered initiatives, such as Indigenous-run cultural centers and internal databases, and in choosing how to engage with museums outside of their territory.

Today, Indigenous heritage remains imprisoned by settler laws. Despite the critical importance of legislation like NAGPRA, settler copyright and property laws continue to deny Indigenous peoples the control over their own heritage. While interventions in settler legal frameworks are a meaningful and often necessary form of restitution, I agree with anthropologist Robin Gray, who questions the assumption that Western legal frameworks are appropriate for achieving justice under settler colonialism: “How ethical, or even practical, is it to use the same legal frameworks for restitution that were leveraged to dispossess us of our heritage and rights in the first place?” (2019: 5). In addition, I join Jane Anderson and James E. Francis Sr. in arguing that museums and archives have a “decolonial imperative” to “unravel and reroute the legal power relations em-
bedded in these collections” (2021: 52). It is possible to dispossess the museum using Indigenous governance, and in Canada the recent adoption of the United Nations Declaration on the Rights of Indigenous Peoples legislation provides a further imperative for heritage institutions to alter their institutional practices to return First Nations’ authority and control over their collections (TRC 2015; UN 2008).

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**NOTES**

1. Likewise, many Nuxalkmc (Nuxalk people) invoke the agency of their ancestors to work with museums and anthropologists to preserve their heritage and knowledge for future generations (Leischner and Nanutsaakus 2021).

2. I use “writing on top of” and “writing over” to communicate how legal traditions can exist alongside and on top of each other, without being extinguished. Anthropology museums do not have the power to erase Indigenous law, but they can and do privilege their own legal understandings in their catalogs and displays (Bell and Napoleon 2008; Xavier et al. 2021).

3. Throughout this article, I use the word treasures when referring to objects of Nuxalk cultural heritage that embody and represent ancestral laws. Today, “treasures” is the preferred term many, though not all, Nuxalkmc use to refer to their material culture. Treasures do not encompass the entirety of Nuxalk heritage in museums, and the word is typically used when referring to something that carries legal rights and responsibilities. As such, “treasures” can also refer to more than just physical objects. For example, Nuxalkmc also use the word treasures when speaking about oral stories, names, and the associated responsibilities with names, lineages, and ceremonial practices. Language itself is a political choice, as seen when Nuxalk treasures enter museums and are described instead by language that reinforces new understandings of the meanings these materials have—terms such as accession, object, or artwork.

4. Current staff members include Sikamus (Jacob Gascoyne) and Nunanta (Iris Siwallace). Many people have supported and continue to support the NAGO, including Ts’xwiiixw (Megan Moody), Snxakila (Clyde Tallio), and Nicole Kaechele.

5. The information we were organizing and adding to the NAGO database comes from a series of visits to museums Nuxalkmc participated in between 2013 and 2018. Called “(Re)uniting Voices and Material Culture on the Central Northwest Coast,” this project facilitated visits for Nuxalk, Heiltsuk, and Wuikinuxv cultural workers and language teachers to reconnect with their cultural heritage held in museum collections. As part of this project, members of the Nuxalk Nation visited the Smithsonian’s National Museum of Natural History and the National Museum of the American Indian in
Washington, DC; the Royal British Columbia Museum in Victoria; and the Field Museum of Natural History in Chicago, Illinois. Organized by Jennifer Kramer at the Museum of Anthropology at the University of British Columbia, this initiative is still ongoing and has been funded through organizations like the Smithsonian’s Recovering Voices Initiative, the Bill Holm Center for the Study of Northwest Coast Art, and the Jacobs Research Fund.

6. Napoleon and Hadley go into this method in more detail (2016: 21–26). In brief, they outline a process of bringing a legal question (i.e., “how did and does this Indigenous group respond to harms and conflict within the group?”) to Indigenous law resources as represented in stories and oral traditions. Their research team analyzed these stories using a case brief model, recognizing that cases or written discussions in Canadian law are also stories, structured, deliberated, and legitimized in the Canadian legal system. The case brief model is based on a common law case brief; in the Canadian legal system, common law is a collection of precedents or important legal concepts based on rulings or assumed legal understandings that inform judges in making decisions in similar situations. By asking the same questions of both oral traditions and court judgements (i.e., What is the main problem within the story? What facts matter to this particular problem? What is decided, and what is the particular reasoning behind the decision or resolution?), they show how to identify and articulate Indigenous legal principles from these stories. It is this method that the NAGO is adapting for their work.

7. The Nuxalk Nation was previously referred to as the “Bella Coola Indians” in many early ethnographic texts.

8. As former Collections Assistant at the Philadelphia Museum of Art from 2011 to 2016, a significant portion of my position involved working with the Registrar’s department to ensure new accessions had the required legal paperwork necessary for the museum to claim official title over them, and that these objects were entered into the collections database based on the information museum staff judged as important and necessary, both to communicate this title and to explain the object’s relevance to the institution as a whole. Although the AMNH is not an art museum, requirements to prove title to property under US and Canadian law are consistent across heritage institutions (albeit with some exceptions such as NAGPRA legislation), and my work in anthropology museums through to the present has confirmed that accessioning procedures are strikingly similar across a variety of collecting institutions.

REFERENCES


What Happens to Indigenous Law in the Museum?


